

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL NO.
	:	
	:	DATE FILED: _____
v.	:	
	:	VIOLATIONS:
RANDALL PHILLIP KAIN, JR.,	:	18 U.S.C. § 371 (Conspiracy to
	:	commit arson - One Count);
Defendant.	:	18 U.S.C. § 844(i) (Malicious
	:	destruction of a building through
	:	arson - One Count);
_____	/	18 U.S.C. § 2 (Aiding and abetting)

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INDICTMENT

COUNT ONE

(Conspiracy to Destroy a Building by Arson)

THE GRAND JURY CHARGES:

1. On or about September 12, 2000, and September 13, 2000, in the Eastern District of Pennsylvania, and elsewhere, the defendant

RANDALL PHILLIP KAIN, JR.

conspired and agreed with Michael Mager, a person charged elsewhere, to maliciously damage, and attempt to damage and destroy by fire a building used in interstate commerce , that is, the Variety Adult Bookstore, located at Culter Plaza, 6909 Route 13, Levittown, Pennsylvania, in violation of Title 18 United States Code, Section 844(i).

MANNER AND MEANS

2. It was part of the conspiracy that on or about September 13, 2000, the defendant RANDALL PHILLIP KAIN, JR. and Michael Mager, after breaking into the Variety

Adult Book Store, located at Cutler Plaza, Levittown, Pennsylvania, and for the purpose of concealing any physical evidence of their presence in the store, set fire to the inside of the store, damaging and destroying the store.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts were performed and executed in the Eastern District of Pennsylvania and elsewhere:

1. In or about the evening hours of September 12, 2000, and the early morning hours of September 13, 2000, defendant RANDALL PHILLIP KAIN, JR. directed Michael Mager to drive them to the Variety Adult Book Store in Michael Mager's 1984 Camaro.
2. Prior to arriving at the Variety Adult Book Store, RANDALL PHILLIP KAIN, JR. and Michael Mager purchased bolt cutters and at least one BIC lighter, which they took with them to the store.
4. In or about the early morning hours of September 13, 2000, RANDALL PHILLIP KAIN, JR. and Michael Mager burglarized the Variety Adult Book Store four times to steal items.
5. During their last visit to the store, defendant RANDALL PHILLIP KAIN, JR. suggested they burn down the store to conceal and dispose of their fingerprints they may have been left behind inside the store.
6. Using a BIC cigarette lighter, defendant RANDALL PHILLIP KAIN, JR. lit the skirt of a couch in the store on fire.
7. After RANDALL PHILLIP KAIN, JR. lit the couch on fire, Michael Mager, also using a cigarette lighter, lit the couch and a roll of paper towels on fire.

8. Upon hearing the store fire alarm, defendant RANDALL PHILLIP KAIN, JR. and Michael Mager returned to defendant RANDALL PHILLIP KAIN, JR.'s home, located at 26 Queen Lily Road, Levittown, Pennsylvania

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Destruction of Building by Arson)

THE GRAND JURY CHARGES THAT:

1. Paragraph 2, and overt acts 1 through 8 in Count One are re-alleged here;
2. On or about September 13, 2000, in the Eastern District of Pennsylvania, the defendant,

RANDALL PHILLIP KAIN, JR.,

did maliciously damage and destroy, and attempt to damage and destroy, and aided and abetted Michael Mager, a person charged elsewhere, in the destruction of, The Variety Adult Book Store located at 6909 Route 13, Levittown, Pennsylvania, a store used in interstate commerce, or affecting interstate commerce, by means of fire, resulting in over \$700,000 worth of damage.

All in violation of Title 18 U.S.C. Sections 844(i) and 2.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney